

1 HONORABLE RONALD B. LEIGHTON
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 CHRIS WALTERS,

11 Plaintiff,

12 v.

13 PATRICIA O'BRIEN,

14 Defendant.

CASE NO. C11-5906 RBL

ORDER

15 THIS MATTER comes on before the above-entitled court upon Plaintiff's Application to
16 Proceed *In Forma Pauperis* and proposed Complaint. Having considered the entirety of the
17 records and file herein, the Court finds and rules as follows:

18 Plaintiff is apparently in a dispute with the Social Security Administration over the
19 amount of his disability payments. By way of his proposed Complaint he seeks to have this
20 Court place the Social Security Administration under the control of the World Court. He names
21 as defendants officers of the United Nations and of The Hague.

1 The Court may permit indigent litigants to proceed *in forma pauperis* upon completion of
2 a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the “privilege of pleading in
3 *forma pauperis* . . . in civil actions for damages should be allowed only in exceptional
4 circumstances.” *Wilborn v. Escalderon*, 789 F.2d 1328 (9th Cir. 1986). Moreover, the Court has
5 broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314
6 F.2d 598 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963).

7 A complaint filed by any person proceeding *in forma pauperis* pursuant to 28 U.S.C. §
8 1915(a) is subject to a mandatory and *sua sponte* review and dismissal by the Court to the extent
9 the complaint if frivolous, malicious, fails to state a claim upon which relief may be granted, or
10 seeks relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *Lopez*
11 *v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000) (*en banc*). Section 1915(e)(2) mandates that the
12 court reviewing a complaint filed pursuant to the *in forma pauperis* provisions of Section 1915
13 make and rule on its own motion to dismiss before direction that the complaint be served
14 pursuant to Fed. R. Civ. P. 4(c)(2). *Lopez*, 203 F.3d at 1127 (“Section 1915(e) not only permits
15 but requires a district court to dismiss an *in forma pauperis* complaint that fails to state a claim”);
16 *see also Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (noting that “the language of
17 § 1915(e)(2)(B)(ii) parallels the language of Federal Rule of Civil Procedure 12(b)(6).”). “Such
18 a dismissal may be made without notice where the claimant cannot possibly win relief.” *Omar v.*
19 *Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987).

20 This case is clearly frivolous and fails to remotely state a claim against either the named
21 defendants or the Social Security Administration. It is equally clear that no amendment can cure
22 this defective and frivolous Complaint

23

24

1 Accordingly, Plaintiff's Application to Proceed *In Forma Pauperis* is **DENIED** and this
2 action is **DISMISSED WITH PREJUDICE**.

3 The Clerk shall send uncertified copies of this order to all counsel of record, and to any
4 party appearing pro se.

5 Dated this 8th day of November, 2011.

Ronald B. Lightner

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE